

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**WILLIAM RAYEH WATLEY, et
al.,**

Plaintiffs,

vs.

TIMOTHY M. KENNY, et al.,

Defendants.

2:22-CV-11392-TGB

**ORDER DISMISSING
COMPLAINT**

Plaintiff William Rayeh Watley filed this pro se lawsuit along with an application to proceed in forma pauperis. ECF Nos. 1, 2. He brings claims against a variety of judicial and state officials, as well as property management entities, regarding four different properties in the city of Detroit.

For the following reasons, Plaintiff's application to proceed in forma pauperis is **GRANTED** and his Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B).

I. Application to proceed in forma pauperis

Plaintiff has filed an application to proceed in forma pauperis, or without the prepayment of fees. 28 U.S.C. § 1915 (a)(1) provides that:

Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding . . . without prepayment of fees or security

therefor, by a person who submits an affidavit that includes a statement of all assets . . . [and] that the person is unable to pay such fees or give security therefor.

If an application to proceed in forma pauperis is filed along with a facially sufficient affidavit, the court should permit the complaint to be filed. *See Gibson v. R.G. Smith Co.*, 915 F.2d 260, 261 (6th Cir. 1990). The Court finds Plaintiff's financial affidavit facially sufficient; therefore, the Court will **GRANT** Plaintiff's motion to proceed in forma pauperis.

II. Dismissal under 28 U.S.C. § 1915(e)(2)(B)

Once an in forma pauperis complaint has been filed, it is tested to determine whether it is frivolous or fails to state a claim for which relief exists. *See id.* at 261. The Court “shall dismiss the case” if:

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal—
 - (i) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted;
 - or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

28 § U.S.C. 1915(e)(2)(B).

A complaint may be deemed frivolous “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). As best as the Court can discern, Mr. Watley complains that he lost title to one or more of the aforementioned properties through foreclosure, and that he and other Plaintiffs were evicted as a result. But he does not provide any basis for the Court to conclude that said loss of property occurred in violation of federal law,

or that there would be some other basis for jurisdiction or a legal claim against the named Defendants. The Complaint is frivolous and must be dismissed.

For the foregoing reasons, Plaintiff's request to proceed in forma pauperis is **GRANTED** and his Complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to § 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED, this 6th day of July, 2022.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge